WP(C) 4350/2007

BEFORE

THE HON'BLE MR. JUSTICE IA ANSARI

This writ petition relates to grant of financial assistance by the State Government to various schools, in the State of Assam, in respect of the financial year 2007-2008 and the learned counsel for the parties concerned agree that in the facts and circumstances of the present case, this writ petition can be, and needs to be, disposed of at this stage itself. This writ petition has, therefore, been taken up for final disposal.

Heard Mr. KA Mazumdar, learned counsel for the petitioner, and Ms. N Barua, learned Standing Counsel, Education Department, Assam, appearing on behalf of the respondents.

By a letter, dated 12.12.2005, a select-list for providing financial assistance to various schools, in respect of the financial year 2007-2008, was prepared. This was followed by two more orders, passed on 24.02.2006 and 27.02.2006, whereby some other schools were also enlisted as schools, which would be provided financial assistance. Many of those schools, which had not been included in the said select-lists, felt aggrieved and have accordingly come to this Court by making applications under Article 226 of the Constitution of India.

By judgment and order, dated 22.05.2007, passed in WP(C) No. 4822/2006 (Kanaklata Girls M.E. School vs. State of Assam and Ors.) and a batch of other writ petitions, the Court has clarified the criteria and yardstick, which are to be applied for the purpose of making available financial assistance to the educational institutions. The observations made, guidelines issued and the directions given by the judgment and order, dated 22.05.2007, aforementioned have, admittedly, not been challenged and have, thus, attained finality. The present writ petition, therefore, needs to be disposed of in the light of what have been observed and directed by the Court in the judgment and order, dated 22.05.2007, aforementioned.

What is, now, of utmost importance to note is that no interim direction was passed in this writ petition restraining the State respondents from disbursing the financial assistance nor was any order passed putting complete ban on disbursement of financial assistance to schools, which were selected as the schools fit for receiving the financial assistance.

Before any order with regard to the granting of financial assistance could be passed in this writ petition, the financial assistance to the selected schools has already been disbursed. Since disbursement of the financial assistance to the selected schools is not subject to the outcome of this writ petition, it is clear that the guidelines issued for providing financial assistance to educational institutions, as given in Kanaklata Girls Schools (supra), will apply to the case of the present writ petitioner in respect of the financial year 2007-2008 and onward.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the case of this writ petitioner shall be considered by the State respondents, particularly, Commissioner & Secretary, Government of Assam, Education (Elementary) Department, Assam, in the light of the decision rendered in Kanaklata Girls M.E. School vs. State of Assam and Ors. (supra), in respect of the financial year 2007-2008 and onward, whenever the Government decides to extend financial assistance to schools, which are similarly situated as the school, which has filed this writ petition. Whatever decision is arrived at by the State respondents, as directed hereinbefore, or whatever orders are passed by the State respondents, as have been directed hereinbefore, shall be communicated, in writing, to the writ petitioner. If petitioner feels aggrieved by the decision, which may be taken, or the directions, which may be passed, the petitioner concerned shall remain at liberty to take recourse to such provisions of law as may be permissible. The petitioner shall furnish to the respondents/authorities concerned a certified copy of this order along with copies of the respective writ petition and annexure thereto.

Furnish a copy of this order to Ms. N Barua, learned Standing counsel, Education Department, Assam.

With the above observations and directions, these writ petitions shall stand disposed of.

No order as to costs.